

RECEIVED  
CENTRAL FAX CENTER

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

JUL 08 2004

OFFICIAL

In re application of

Richard D. McGaughey

: July 8, 2004

Serial No. 10/676,769

: Group Art Unit: 3624

Filed: 10/01/2003

: Confirmation No.: 7891

**For: METHODS AND APPARATUS FOR SHARING REVENUE ASSOCIATED WITH  
NEGATIVE COLLECTION INFORMATION**Commissioner of Patents  
Office of Petitions  
P.O. Box 1450  
Alexandria, VA 22313-1450  
FAX: (703) 872.9306**PETITION TO ACCEPT UNINTENTIONALLY DELAYED CLAIM  
UNDER 35 U.S.C. § 119 (e)****FACTS:**

The applicant filed a provisional application with the assistance of prior counsel on October 1, 2002. The application was assigned App. No. 60/415,336. Sometime prior to October 1, 2003, applicant retained new counsel and filed a utility application that attempted to claim priority to the previously filed provisional application. Counsel for the applicant, Joseph S. Helno, Reg. No. 31,524, relied upon applicant's statement that the filing date of the provisional application was in fact October 1, 2002 and that the application number assigned was 60/415,335 and honored applicant's request not to contact prior counsel. Counsel was provided with a copy of the provisional application cover sheet which bore an Express Mail certificate for an October 1, 2002 deposit date.

07/01/2004 AKELLEY 00000002 502331 10676769

1 FC:1454 1330.00 DA

1 of 3

Counsel was not, however, provided with a copy of the official Filing Receipt for that provisional application. See Affidavit of Joseph S. Heino, Exhibit D.

New counsel filed a utility application, Application Serial No. 10/676,769 on October 1, 2003. The preamble of the utility application claimed priority to Application Serial No. 60/415,335, filed 10/1/02. Additionally, the Application Data Sheet stated the application number as 60/415,335 and the filing date of the provisional as being November 1, 2002.

On December 24, 2003, counsel for the applicant received the Filing Receipt for the utility application without any listing of domestic priority. Counsel for the applicant, unaware that applicant had incorrectly provided the provisional application as 60/415,335, filed a request for a corrected Filing Receipt. That request was denied on January 21, 2004. Applicant then filed a second request for a corrected Filing Receipt on February 26, 2004, which was dismissed March 18, 2004. On March 24, 2004, applicant petitioned for a corrected filing receipt. That petition was denied on May 26, 2004.

The applicant then gave current counsel permission to speak with prior counsel on June 30, 2004. Current counsel has now obtained the file, together with the provisional application Filing Receipt, from previous counsel. It is now apparent that the appropriate provisional application number is, as noted by the Examiner, 60/415,336. The provisional application was filed on October 1, 2002. A copy of the official Filing Receipt for the provisional application is attached hereto as Exhibit A. A copy of the amended Application Data Sheet is attached hereto as Exhibit B. A replacement copy

of the first page of the application claiming priority to the provisional application is also attached hereto as Exhibit C.

**PETITION**

Based on the above, applicant hereby petitions the Commissioner of Patent to accept an unintentionally delayed claim for priority under U.S.C. § 119(e). Attached are:

- (1) a new first page of the application correctly listing the reference to the prior filed provisional application;
- (2) the surcharge set forth in 37 CFR § 1.17(t); and
- (3) a new Application Data Sheet.

Applicant hereby states that the entire delay between the date the claim was due under 37 CFR § 1.78 (a)(5)(ii) and the date the claim was filed is unintentional.

Applicant hereby authorizes a debit of \$1,330 for the fee under 37 C.F.R. § 1.17(t) to file this Petition to Accept an Unintentionally Delayed Claim of Priority.

Respectfully submitted,  
Richard D. McGaughey,

By Patrick M. Bergin

Joseph S. Heino  
Reg. No. 31,524  
DAVIS & KUELTHAU, s.c.  
111 E. Kilbourn Ave., Ste. 1400  
Milwaukee, WI 53202-1633  
(414) 225-1452

Patrick M. Bergin  
Reg. No. 54,994  
111 E. Kilbourn Ave., Ste. 1400  
Milwaukee, WI 53202-1633  
(414) 225-7563

- 1 -

## APPLICATION FOR UNITED STATES PATENT

## SPECIFICATION

5

METHODS AND APPARATUS FOR SHARING REVENUE ASSOCIATED  
WITH NEGATIVE COLLECTION INFORMATION

10

This application claims the benefit of U.S. Provisional Application No. 60/415,336, filed 10/1/2002.

## TECHNICAL FIELD

15

The present invention relates in general to computer systems and, in particular, to methods and apparatus for electronically reporting credit information and for sharing revenue associated with negative collection information. The uploaded information is automatically tallied and reported via a computer that is configured to provide up-to-date, on demand information to a collection information supplier any time.

20

## BACKGROUND

Often, when a person or company is extended financial credit and that credit is in default, the matter is turned over to a collection agency for resolution. Typically, the collection agency reports this "negative" credit information to a credit bureau once a month on a magnetic tape. However, most collection agencies are under no legal or financial obligation to report the negative collection information to the credit bureau. The credit bureau stores negative collection information collected from hundreds of collection agencies in a database.

25

For a fee, subscribers to the database may access the negative collection information.

## EXHIBIT C